

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL DOCKET NO. 07-160**

**v.**

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**SECTION: "D"**

**COLLIS MOLTON  
a/k/a Collis Phillips  
a/k/a "Mookie"**

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**FACTUAL BASIS**

The above-named defendant, **COLLIS MOLTON a/k/a Collis Phillips a/k/a "Mookie"** has agreed to plead guilty as charged to the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegations against the defendant, **COLLIS MOLTON a/k/a Collis Phillips a/k/a "Mookie" ("MOLTON")**.

All of the events stated herein occurred within the Eastern District of Louisiana.

On December 15, 2006, a confidential source ("CS") placed a recorded cell phone call to **MOLTON** at (504) 201-9534. The CS spoke with TAMEKA McCRAY ("McCRAY") and told her that he had already spoke to "Mookie" about purchasing one-quarter ounce of cocaine base

(“crack”). McCRAY told the CS to come to the house to make the purchase.

Agents set up surveillance on **MOLTON**’s then-residence at 2225 Dufossat Street. At about 12:44 pm, Agent Vincent Saltaformaggio saw a 2002 Black Infiniti PMW578 stop in front of the residence. Its driver exited, entered **MOLTON**’s’ residence, and exited, leaving in his vehicle just 7 minutes later.

At 12:52 pm, the CS called **MOLTON**, who advised that he was home. The CS walked to **MOLTON**’s residence and entered about 1:00 pm. He exited about 1:16 pm and met with Task Force Agent Demond Lockhart. According to the CS, there were approximately four (4) ounces of crack on the bed in the residence. **MOLTON** was unable to get to his scale, which was in the back yard, because people were around. **MOLTON** told the CS to leave and come back in a few minutes.

At 1:34 pm, the CS returned to **MOLTON**’s residence and entered. Therein, the CS purchased two chunks of crack, which were in one piece of plastic. About 10 minutes later, the CS exited the residence and walked to TFA Lockhart’s vehicle. The CS then gave Lockhart the crack that he had purchased from **MOLTON**. The crack was subsequently tested at the South Central Laboratory in Dallas, Texas. It was found to have a net weight of 5.1 grams and tested positive for cocaine base.

On April 13, 2007, TFA Lockhart elected to utilize the same CS to make a controlled purchase from **MOLTON**. The CS was equipped with a kel transmitter which would monitor his conversations. Surveillance of 4903 Tchoupitoulas Street, which was **MOLTON** and McCRAY’s new residence, was established by supporting agents. Under the direction of TFA Lockhart, the CI attempted to contact **MOLTON** and/or McCRAY by telephone to arrange the

narcotics transaction. After several unsuccessful attempts, TFA Lockhart elected to relocate the CS to 4903 Tchoupitoulas Street.

At approximately 1:00 p.m., the CS was dropped off by TFA Lockhart in the general vicinity of 4903 Tchoupitoulas Street. He attempted to approach **MOLTON**. **MOLTON**, who was conversing with his landlord, noticed the CS approaching. **MOLTON** discretely motioned for him to stay away. The CS complied. Approximately five (5) minutes later, **MOLTON** ended his conversation and relocated to meet the CS in the 4800 block of Tchoupitoulas Street.

**MOLTON** informed the CS that he did not conduct narcotics transactions directly from his residence, because he feared that his landlord would discover that he was storing narcotics at the residence. **MOLTON** instructed the CS to meet him at the intersection of Lyons Street and Tchoupitoulas Street, which was one block away from **MOLTON**'s residence, at 2:00 p.m. The CS agreed and relocated directly to TFA Lockhart's vehicle.

At approximately 2:00 p.m., surveillance units observed **MOLTON**'s vehicle arrive and park directly in front of 4903 Tchoupitoulas Street. **MOLTON**, who was the driver, exited the vehicle accompanied by two young children. **MOLTON** unlocked the front door of 4903 Tchoupitoulas and followed the children into the residence. A short time later, **MOLTON** exited the front door of 4903 Tchoupitoulas Street and walked in a downtown direction towards Lyons Street. **MOLTON** was clutching an object in his right hand.

Seconds later, **MOLTON** met the CS at the intersection of Lyons and Tchoupitoulas Streets. The CS handed **MOLTON** currency, and **MOLTON** placed it in his front right pants pocket. **MOLTON** discretely handed the CS the object that was concealed within his right hand. The CS accepted this object and walked directly to TFA Lockhart's vehicle. **MOLTON** entered

his residence. Upon entering the vehicle, the CS handed the item he had purchased from **MOLTON** to TFA Lockhart. The object contained one chunk of an off-white rock like substance purported to be crack cocaine. The crack was subsequently tested at the South Central Laboratory in Dallas, Texas. It was found to have a net weight of 2.6 grams and tested positive for the presence of cocaine base ("crack").

On April 23, 2007, in an effort to gather additional intelligence relative to **MOLTON**'s narcotics operation, TFA Lockhart utilized the same CS to perform another controlled purchase of crack cocaine from **MOLTON**. The CS was again equipped with a kel transmitter. Surveillance of 4903 Tchoupitoulas Street was established by supporting agents. The CS successfully contacted **McCRAY** on this occasion. During their brief conversation, McCRAY instructed the CS to meet her at the intersection of Tchoupitoulas Street and Jefferson Avenue. Immediately following this conversation, TFA David Bean observed **MOLTON** and McCRAY exit the front door of 4903 Tchoupitoulas and enter a silver Pontiac. **MOLTON** was the driver and McCRAY was the passenger. Surveillance units followed **MOLTON** and McCRAY directly to the intersection of Tchoupitoulas Street and Jefferson Avenue, where the CS was already awaiting their arrival.

The CS approached the front right window of the vehicle and handed McCRAY currency. After receiving the currency, McCRAY handed the CS a small object. After receiving this object, the CS returned directly to TFA Lockhart's vehicle and handed the items he had just purchased from **MOLTON** and McCRAY. Those items were several pieces of an off-white rock like substance and a small piece of clear plastic that contained a white powder that were purported to be several pieces of crack cocaine and a quantity of cocaine powder, respectively.

These items were subsequently tested at the South Central Laboratory in Dallas, Texas. Testing showed the rock-like substances to have a net weight 7.0 grams, which tested positive for the presence of cocaine base ("crack"), and the white powder to have a net weight of 0.70 grams, which tested positive for the presence of cocaine hydrochloride

Predicated on the information provided above, on April 26, 2007, TFA Lockhart applied for and was granted a State of Louisiana Search Warrant signed by Orleans Parish Criminal District Court Magistrate Judge Gerard Hansen for the premises of 4903 Tchoupitoulas Street, New Orleans, Louisiana.

On May 2, 2007, in anticipation of executing this state search warrant, members of the New Orleans Police Department High Intensity Drug Trafficking Area ("HIDTA") Task Force established surveillance of 4903 Tchoupitoulas Street. On the same date, Agent Saltaformaggio observed McCRAY exit the front door of the residence and enter a light blue Cadillac, which was parked in the driveway. Surveillance followed McCRAY, who drove directly to the 6000 block of Magazine Street and parked her vehicle.

At that location, agents observed a male subject, later identified as MARK MULLEN ("MULLEN") approach the Cadillac. MULLEN handed currency to McCRAY. After receiving the currency, McCRAY handed MULLEN what appeared to be a small plastic bag. MULLEN received the plastic bag and began walking in a westbound direction on Magazine Street. McCRAY drove away in the same direction followed by surveilling agents.

Based on his considerable training and narcotics enforcement experience, TFA Lockhart strongly believed that he had witnessed a drug transaction between McCRAY and MULLEN. Based on that belief, TFA Lockhart detained MULLEN in the front yard of a residence in the

6000 block of Magazine Street. TFA Lockhart seized the plastic bag from MULLEN's right hand and found that it contained approximately a quantity of an off-white rock like substance that appeared to be crack cocaine. Based on this finding, TFA Lockhart placed MULLEN under arrest, and Mullen was advised of the Miranda warnings. The rock-like substances that MULLEN had purchased from McCRAY were tested at the South Central Laboratory in Dallas, Texas. The substances had a net weight of 3.3 grams and tested positive for the presence of cocaine base ("crack").

Agents continued to follow McCRAY to a service station located at 5600 Tchoupitoulas Street. At that point, agents placed McCRAY under arrest for distributing crack to MULLEN, and for her earlier crack distribution to the CS. McCRAY was advised of her Miranda warnings. Shortly after McCRAY's arrest, Agent Saltafformagio observed **MOLTON** exit 4903 Tchoupitoulas Street accompanied by his young son. Agents immediately placed **MOLTON** under arrest for the earlier crack cocaine distributions to the CS. **MOLTON**, also, was advised of the Miranda warnings.

Agents executed the search warrant at 4903 Tchoupitoulas Street. During the search of the residence, agents located a small amount of cocaine hydrochloride between two sofa cushions in the first room of the residence, and several pieces of crack behind the dresser in the first bedroom of the residence. At that time, **MOLTON**, McCRAY, and MULLEN, were each transported to the Sixth District Police station where they were further interviewed. The seized items were subsequently tested at the South Central Laboratory in Dallas, Texas. The items tested positive for cocaine residue and a net weight of 0.15 grams of cocaine base ("crack").

McCRAY waived her rights and agreed to speak with agents. During her interview,

McCRA Y stated that she and **MOLTON** had been romantically involved for approximately seven (7) years. McCRA Y admitted that, under the strict direction of **MOLTON**, she distributed approximately two and one-half (2 ½) ounces of crack bi-weekly. McCRA Y stated that she sells crack cocaine, daily, to approximately fifty (50) individual customers of herself and **MOLTON**. McCRA Y said that prior to being arrested she distributed approximately \$200 worth of crack cocaine to one of **MOLTON**'s regular customers known as "Mark." "Mark" was in fact MULLEN. McCRA Y also stated that **MOLTON** stored his cocaine in a bedroom on the dresser. McCRA Y further stated that **MOLTON**'s cocaine supply was completely depleted and that, had they not been arrested that day, **MOLTON** was planning to replenish his supply soon.

MULLEN also waived his rights and agreed to speak with agents. During his interview, MULLEN admitted that he had purchased crack cocaine from **MOLTON** and McCRA Y over the past five years for approximately two week intervals several times each year. In fact, since from Friday, April 27, 2007, until May 2, 2007, MULLEN admitted to purchasing \$2,000.00 worth of crack cocaine, which was approximately two ounces, from **MOLTON** and McCRA Y.

For sentencing guideline purposes, **MOLTON** and the Government agree that the amount of crack for which **MOLTON** was responsible was at least 50 grams but less than 150 grams.

On or about October 4, 1991, **MOLTON** was convicted in the Criminal District Court for the Parish of Orleans, State of Louisiana, in case number 350-395 “B” of possession of cocaine, a felony drug offense as that term is used in Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

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COLLIS MOLTON  
Defendant